

Message Text

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PAGE 01 GENEVA 08485 01 OF 03 052227Z
ACTION ACDA-10

INFO OCT-01 ISO-00 ERDA-05 AF-10 ARA-10 CIAE-00
DODE-00 EA-10 EUR-12 PM-05 H-01 INR-07 IO-13
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FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 1664
INFO AMEMBASSY LONDON
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C O N F I D E N T I A L SECTION 1 OF 3 GENEVA 8485

E O 11652: GDS
TAGS: PARM, US, UR
SUBJ: US-USSR ARMS CONTROL WORKING GROUP ON RADIO-
LOGICAL WEAPONS: ROUND THREE: THIRD MEETING, OCTOBER.
RW MESSAGE FIVE

REF: GENEVA 7403 (NOTAL)

1. SUMMARY: THE THIRD MEETING OF THE THIRD ROUND OF THE
US-USSR ARMS CONTROL WORKING GROUP ON RADIOLOGICAL WEAPONS
(RW) AND NEW MASS DESTRUCTION WEAPONS (MDW) WAS HELD ON
OCTOBER 4. US SIDE MADE BRIEF STATEMENT INDICATING
PREPAREDNESS TO NEGOTIATE JOINT INITIATIVE ON RW BASED
ON US POSITION REGARDING SCOPE AND DEFINITION AS PRESENTED
AUGUST 29 IN PREVIOUS ROUND. SOVIET SIDE RESPONDED BY
ACCEPTING US LANGUAGE ON SCOPE AND MOST OTHER PROVISIONS,
BUT EXPRESSED STRONG DESIRE TO PRESENT JOINT INITIATIVE
IN THE FORM OF A DRAFT CONVENTION RATHER THAN KEY ELEMENTS.
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PAGE 02 GENEVA 08485 01 OF 03 052227Z

THE ONLY ISSUES THAT REMAIN TO BE WORKED OUT ARE INTRO-
DUCTION (PREAMBLE), DEFINITION OF RADIOLOGICAL WEAPONS,
PEACEFUL USES PROVISIONS, CONSULTATIVE COMMITTEE, AND
PRESENTATIONAL FORMAT. END SUMMARY.

2. THE THIRD MEETING OF THE THIRD ROUND OF THE US-USSR
ARMS CONTROL WORKING GROUP ON RW AND NEW MDW WAS HELD IN

THE US MISSION ON THE AFTERNOON OF OCTOBER 4. AMBASSADOR FISHER (HEAD OF US DEL) SAID THE US HAD REVIEWED THE POSITION ON SCOPE AND DEFINITION THAT THE US SIDE HAD PUT FORWARD PREVIOUSLY AND WAS PREPARED TO MOVE AHEAD WITH NEGOTIATIONS ON THE BASIS OF ITS AUGUST 29 PROPOSAL (AUGUST 29 EDITION OF ILLUSTRATIVE ELEMENTS CONTAINED REFTEL). WITH RESPECT TO ILLUSTRATIVE ELEMENTS NUMBER 1 AND 2 (WHICH COVER SCOPE AND DEFINITION OF RADIOLOGICAL WEAPONS), HE STATED THAT IT WAS US INTENTION TO FORBID THE USE OF RADIATION PRODUCED BY THE NATURAL DECAY OF RADIOACTIVE MATERIAL, OTHER THAN THAT PRODUCED BY A NUCLEAR EXPLOSIVE DEVICE, TO CAUSE DEATH, DAMAGE, DESTRUCTION, OR INJURY, NO MATTER HOW SUCH MATERIAL IS PACKAGED OR DELIVERED.

3. AMBASSADOR LIKHATCHEV (HEAD OF SOVIET DEL) SAID THAT WHILE ATTACHING PRIMARY IMPORTANCE TO CONCLUDING A TREATY PROHIBITING NEW MDW, THE SOVIET SIDE WAS PREPARED TO PROCEED ON A SEPARATE RW AGREEMENT, HE INDICATED THAT THE SOVIET SIDE HAD STUDIED THE RECORD OF THE PREVIOUS ROUND AND THAT THERE APPEARED TO BE "CONSIDERABLE OVERLAP IN POSITIONS ON AN OVERWHELMING MAJORITY OF PROVISIONS UNDER CONSIDERATION."

4. LIKHATCHEV SAID THAT SOVIET SIDE COULD ACCEPT US PROPOSAL TO CALL FINAL DOCUMENT A CONVENTION RATHER THAN CONFIDENTIAL

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PAGE 03 GENEVA 08485 01 OF 03 052227Z

AN AGREEMENT. HOWEVER, SOVIET POINT OF VIEW IS THAT A JOINT INITIATIVE ON AN RW PROHIBITION SHOULD BE PRESENTED TO THE CONFERENCE OF THE COMMITTEE ON DISARMAMENT (CCD) IN THE FORM OF A DRAFT CONVENTION RATHER THAN AS KEY ELEMENTS.

5. WITH RESPECT TO SCOPE, LIKHATCHEV NOTED THAT US HAD ADDED AN ADDITIONAL OBLIGATION "NOT TO POSSESS" TO SOVIET FORMULATION AND SAID THAT THE SOVIET SIDE COULD ACCEPT LANGUAGE OF US ILLUSTRATIVE ELEMENT NUMBER 1 (SCOPE). WITH RESPECT TO ILLUSTRATIVE ELEMENT NUMBER 2 (DEFINITION OF RW), HE SAID ADDITIONAL EFFORT WOULD BE REQUIRED TO REACH AGREEMENT AND INDICATED INTENTION TO STATE SOVIET POSITION AT NEXT MEETING ON RW (OCT 6).

6. REGARDING "ARTICLE 3" (PEACEFUL USES), LIKHATCHEV SAID THAT THERE WAS A RELATIONSHIP TO ILLUSTRATIVE ELEMENT NUMBER 2 AND THAT THE SOVIET SIDE WOULD DEAL WITH BOTH AT SAME TIME. HE ACCEPTED ALL OF US PROPOSED CHANGES IN ILLUSTRATIVE ELEMENT NUMBER 4 (PREVENT LOSS), AND ACCEPTED ILLUSTRATIVE ELEMENT NUMBER 5 (NON-INTERFERENCE WITH OTHER OBLIGATIONS).

7. WITH RESPECT TO "ARTICLE 6" (VERIFICATION AND CONSULTA-

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PAGE 01 GENEVA 08485 02 OF 03 052214Z
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C O N F I D E N T I A L SECTION 2 OF 3 GENEVA 8485

TIVE COMMITTEE), LIKHACHEV SAID THAT SOVIET SIDE WAS
PROCEEDING FROM THE PREMISE THAT BOTH SIDES WANTED TO
ESTABLISH EFFECTIVE CONTROLS TO ENSURE THAT ALL PARTIES
CARRY OUT THEIR OBLIGATIONS. HOWEVER, AT THE SAME TIME
SUCH CONTROLS SHOULD NOT PREJUDICE THE SECURITY OF EITHER
SIDE NOR HINDER THEIR PEACEFUL ACTIVITIES. BOTH SIDES
SHARE THE VIEW THAT STATES PARTIES WOULD BE OBLIGATED
TO CONSULT AND COOPERATE IN RESOLVING ISSUES RELATED TO
THE IMPLEMENTATION OF THE CONVENTION. HE SAID THE PROCESS
OF RESOLVING SUCH ISSUES SHOULD INCLUDE THE USE OF
APPROPRIATE INTERNATIONAL PROCEDURES IN THE FRAMEWORK
OF THE UN, AND MAY INCLUDE USING THE SERVICES OF AN
APPROPRIATE INTERNATIONAL ORGANIZATION OR ORGANIZATIONS.

8. TURNING TO THE ISSUE OF HOW TO DEAL WITH COMPLAINTS,
LIKHACHEV SAID THERE IS IDENTITY OF VIEWS THAT THE
INTERNATIONAL PROCEDURES MUST PROVIDE FOR TAKING COMPLAINTS
TO THE UN SECURITY COUNCIL, INVESTIGATION BY THE SECURITY
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PAGE 02 GENEVA 08485 02 OF 03 052214Z

COUNCIL, AND AN OBLIGATION TO COOPERATE WITH THE SECURITY COUNCIL IN CARRYING OUT SUCH INVESTIGATIONS. HE ALSO SAID THAT STATES SHOULD PROVIDE AID AND SUPPORT IN RESPONSE TO A REQUEST BY A STATE WHEN THE SECURITY COUNCIL DECIDES THAT THE REQUESTING STATE IS IN DANGER AS A RESULT OF A VIOLATION OF THE CONVENTION.

9. NOTING THAT THE US SIDE HAD PROPOSED THAT THE INTERNATIONAL PROCEDURES SHOULD ALSO INCLUDE A CONSULTATIVE COMMITTEE OF EXPERTS, LIKHATCHEV SAID THAT THE SOVIET SIDE COULD AGREE TO PROVIDE FOR THE ESTABLISHMENT OF SUCH A CONSULTATIVE COMMITTEE. HE ALSO AGREED THAT MEETINGS SHOULD BE CALLED BY THE DEPOSITARY WITHIN ONE MONTH OF THE RECEIPT OF A REQUEST, AND THAT ANY STATE PARTY COULD APPOINT AN EXPERT TO THE COMMITTEE. HE SAID THAT THE CONSULTATIVE COMMITTEE SHOULD NOT DUPLICATE THE WORK OF THE SECURITY COUNCIL AND SHOULD NOT CARRY OUT INVESTIGATIONS OF COMPLAINTS. HE PROPOSED THE FOLLOWING PROVISION: QUOTE. THE CONSULTATIVE COMMITTEE SHALL TRANSMIT TO THE DEPOSITARY A SUMMARY OF ITS FINDINGS OF FACTS, INCORPORATING ALL VIEWS AND INFORMATION PRESENTED TO THE COMMITTEE DURING ITS PROCEEDINGS. THE DEPOSITARY SHALL DISTRIBUTE THE SUMMARY TO ALL STATES PARTIES. END QUOTE. (NOTE: THIS IS BORROWED FROM ENMOD CONVENTION, ARTICLE V). THE SOVIET SIDE PROPOSED THAT THE FUNCTIONS AND RULES OF PROCEDURES OF THE CONSULTATIVE COMMITTEE OF EXPERTS BE CONTAINED IN AN ANNEX THAT WOULD BE AN INTEGRALPART OF THE CONVENTION. HE SAID THAT THE SOVIET SIDE WILL PRESENT LANGUAGE ANALOGOUS TO THAT OF ENMOD CONVENTION.

10. LIKHATCHEV SAID THERE WAS ALREADY AGREEMENT ON ILLUSTRATIVE ELEMENTS NUMBER 7 (AMENDMENTS), 9 (ENTRY INTO FORCE), AND 10 (DEPOSITARY AND TREATY LANGUAGE) WITH CONFIDENTIAL

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PAGE 03 GENEVA 08485 02 OF 03 052214Z

ONE MINOR EXCEPTION. IN ILLUSTRATIVE ELEMENT NUMBER 9 WITH REGARD TO THE NUMBER OF STATES PARTIES NECESSARY FOR THE CONVENTION TO ENTER INTO FORCE IS BLANK. THE SOVIET SIDE PROPOSES THE NUMBER BE TWENTY-FIVE. HE SAID THAT THE SOVIET SIDE AGREES WITH THE US PROPOSED LANGUAGE ON "ARTICLE VIII" (WITHDRAWAL CLAUSE).

11. COMMENT: WE MAY NOT BE FAR FROM FULL AGREEMENT ON COMMON LANGUAGE FOR A JOINT INITIATIVE ON RW. AMONG THE ISSUES THAT REMAIN TO BE RESOLVED ARE: A. THE INTRODUCTION OR PREAMBLE. THE ONLY SUBSTANTIVE OBJECTION WE HAVE TO THE SOVIET DRAFT PREAMBLE IS THE INCLUSION OF

RADIOLOGICAL WEAPONS UNDER THE RUBRIC OF NEW WEAPONS OF MASS DESTRUCTION. STYLISTICALLY, HOWEVER, WE BELIEVE IT COULD BE IMPROVED. WE ARE PREPARED TO WORK OUT AN AD REFERENDUM COMMON LANGUAGE OF AN INTRODUCTION WHICH COULD EASILY BE CONVERTED INTO A PREAMBLE, IF NECESSARY. RATHER THAN THE SOVIET LANGUAGE ON MDW WE WOULD PREFER THE UK APPROACH SET FORTH IN THE UK DRAFT UN RESOLUTION.

B. DEFINITION OF RADIOLOGICAL WEAPONS. SOVIET SIDE WILL PRESENT ITS POSITION ON DEFINITION OF RADIOLOGICAL WEAPONS

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PAGE 01 GENEVA 08485 03 OF 03 052235Z
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C O N F I D E N T I A L SECTION 3 OF 3 GENEVA 8485

AT NEXT MEETING ON OCTOBER 6. THIS IS PROBABLY THE MOST CRITICAL ISSUE REMAINING.

C. PEACEFUL USES PROVISIONS. SOVIETS HAVE STATED THE PEACEFUL USES PROVISION IS RELATED TO THE DEFINITION OF RADIOLOGICAL WEAPONS AND HAVE INDICATED THEY WILL DEAL WITH IT AT THE SAME TIME.

D. CONSULTATIVE COMMITTEE. SOVIETS CLEARLY SEE RW CONSULTATIVE COMMITTEE AS FOLLOWING THE ENVIRONMENTAL MODIFICATION (ENMOD) CONVENTION MODEL. US SIDE WOULD PREFER GIVING CONSULTATIVE COMMITTEE SLIGHTLY MORE AUTHORITY, INCLUDING THE RIGHT TO REQUEST AN ON-SITE VISIT IN ATTEMPTING TO RESOLVE A QUESTION CONCERNING

COMPLIANCE. WE WOULD NOTE THAT SOVIET DRAFT RW TREATY DOES NOT INCLUDE PROVISIONS FOR A CONSULTATIVE COMMITTEE, THEREFORE, THEIR ACCEPTANCE OF AN ENMOD-STYLE CONSULTATIVE COMMITTEE REPRESENTS A SUBSTANTIVE CONCESSION ON THEIR PART, ALREADY.

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PAGE 02 GENEVA 08485 03 OF 03 052235Z

E. THE FORMAT THAT THE JOINT INITIATIVE SHOULD TAKE. THE US SIDE HAS ADVOCATED VIGOROUSLY THAT THE INITIATIVE SHOULD BE PRESENTED IN THE FORM OF KEY ELEMENTS. THE SOVIET SIDE HAS ADVOCATED EQUALLY VIGOROUSLY THAT THE INITIATIVE SHOULD BE PRESENTED IN THE FORM OF A DRAFT TREATY. THE COMMON LANGUAGE THAT HAS BEEN DEVELOPED IS ADAPTABLE TO EITHER FORMAT. OUR MAIN REASON FOR ADVOCATING "KEY ELEMENTS" IS THAT OUR ALLIES AND THE NON-ALIGNED IN THE CCD WOULD PREFER RECEIVING FUTURE INITIATIVES IN THE FORM OF KEY ELEMENTS RATHER THAN A DRAFT TREATY. IT MIGHT BE USEFUL TO CONSIDER ACCEPTING THE SOVIET POSITION ON FORMAT IF THE SOVIET SIDE IS WILLING TO PROVIDE FOR INVITATIONAL ON-SITE INSPECTIONS BY THE CONSULTATIVE COMMITTEE EITHER IN THE LANGUAGE OF ILLUSTRATIVE ELEMENT NUMBER 6 OR IN THE ANNEX. WHILE SUCH A TRADE-OFF MAY SEEM SOMEWHAT DISPARATE AT FIRST BLUSH, WE WOULD NOTE THAT SOVIETS HAVE ACCEPTED THE CONCEPT OF INVITATIONAL ON-SITE INSPECTIONS IN THE CONTEXT OF CTB AND CW NEGOTIATIONS. THEREFORE, IT WOULD NOT REPRESENT A NEW PRECEDENT IF THEY WERE TO ACCEPT IN RW. ALSO, THE SOVIETS SEEM TO PLACE CONSIDERABLE VALUE ON PRESENTING THE INITIATIVE IN A DRAFT TREATY FORMAT. END COMMENT.
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